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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,091	10/23/2001	John Reginald Newton	65008-031	6061

7590 04/29/2004

Harold W Milton Jr  
Howard & Howard  
The Pinehurst Office Center Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304-5151

EXAMINER
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GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/890,091	NEWTON, JOHN REGINALD	
	Examiner	Art Unit	
	John L. Goff	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is in response to the amendment filed on 2/2/04. The previous 35 USC 112 rejections and claim objections have been overcome by the cancellation of claims 1-15. Furthermore, the previous art rejections are withdrawn in view of the cancellation of claims 1-15. New rejections over new claims 16-19 are set forth below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Election/Restrictions*

3. Newly submitted claims 20 and 21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 16-19, drawn to a method of joining adjacent structural units.

Group II, claim(s) 20 and 21, drawn to a structural unit.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The "special technical feature" of claim 16 is adhesively joining two structural units at an interface defining a recess and gallery between the structural units which is shown by Reichard (U.S. Patent 5,830,308) in view of Labock (U.S. Patent 5,372,771), DeRees (U.S. Patent 5,671,109), and FR 2133528 to lack novelty or inventive step and does not make a contribution over the prior art. **Upon the indication of allowable subject matter it is noted rejoinder will be considered depending upon the basis thereof.**

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20 and 21 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

4. The disclosure is objected to because of the following informalities: Applicants new claim 16 contains language not having proper antecedent basis in the specification. For instance, the specification does not specifically recite the language “shallow recess”, “glue cavity”, etc. However, applicant appears to have support to claim these features from Figure 7 and the description in the specification beginning on page 6, line 19 through page 7, line 11. Applicant is advised to amend the specification to provide claim 16 with proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichard (U.S. Patent 5,830,308) in view of Labock (U.S. Patent 5,372,771), DeRees (U.S. Patent 5,671,109) and FR 2133528.

The background of Reichard discloses it was known to join a plurality of structural units (e.g. panels) through a method comprising abutting the units at an interface (e.g. holding the units together with clamps), providing a shallow recess in each of the units at the interface such that the abutting units form a glue cavity, introducing adhesive into the glue cavity, and then curing the adhesive (e.g. through the additional application of heat) (Column 2, lines 3-9, 15-16, 28-32, and 37-41). The background of Reichard is silent as to providing vent passages within the recesses. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide in the recesses taught by Reichard vent passages as was well known and conventional in the art as shown for example by the invention of Reichard, Labock, and DeRees to provide a means for air to escape during filling of the glue cavity (i.e. recesses) and to provide a means to detect when the glue cavity (i.e. recesses) is full, the vent passages then being plugged. As to providing a gallery within the recesses, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the recesses taught by Reichard a gallery as it was well known and conventional in the art to join two panels through an adhesive filled cavity the cavity further including a gallery to form a key for improved physical bond strength as shown for example by FR 2133528.

The invention of Reichard discloses joining a plurality of structural units (e.g. panels) through a method comprising abutting the units at an interface, providing a glue cavity at the interface, introducing adhesive into the glue cavity, and then curing the adhesive. Reichard

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further teaches the structural units may include vent holes for allowing air to escape during filling of the glue cavity (Column 6, lines 19-40 and Column 7, lines 7-15). Labock discloses joining two structural units through a method comprising abutting the units at an interface, providing a glue cavity and vent passage at the interface, introducing adhesive into the glue cavity until the adhesive is detected at the vent passage, and plugging the vent passage (Figure 1 and Column 4, lines 33-42 and Column 6, lines 19-23). DeRees discloses joining two structural units through a method comprising abutting the units at an interface, providing a glue cavity and vent passages at the interface, and then introducing adhesive into the glue cavity until the adhesive is detected at the vent passages (Figure 2A and Column 3, lines 1-4, 18-24, and 34-39). FR 2133528 discloses joining a plurality of structural units (e.g. panels) through a method comprising abutting the units at an interface, providing a shallow recess in each of the units at the interface such that the abutting units form a glue cavity, and introducing adhesive into the glue cavity. FR 2133528 teaches the recess of each structural unit is provided with a gallery such that when the units are joined the adhesive forms a key form improved physical bond strength (See the Figures and English translation it being noted an oral translation of the reference was also done).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 16-19 have been considered but are moot in view of the new ground(s) of rejection. It is noted the previous art rejections are withdrawn in view of the cancellation of claims 1-15. New rejections over new claims 16-19 are made above. Applicant argues, "All claims define over the prior art by reciting the shallow recess 28

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surrounded by a sealed edge 30 and a larger gallery 32 for introducing adhesive into the recess

28. None of the references suggest such a specific combination which can be employed to clamp a plurality of such structural units together with the adhesive introduced throughout the structure to permanently interconnect all of the individual structural units.” This argument is addressed by the rejection of new claims 16-19 above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

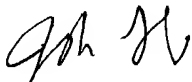
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

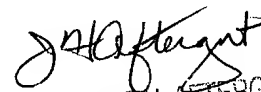
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff  
April 22, 2004



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300